

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6609 of 2018**

Abhishek Kerketta S/o Diyal Kerketta Aged About 24 Years R/o Village Belkota P.S And Tehsil Batauli District Surguja (C.G), District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana Ambikapur District Surguja (C.G.).

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.13/2018 registered at Police Station Mahila Thana, Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 376 (2) (n), 344 of IPC and Section 6 of POCSO Act .
3. Case of the prosecution, in brief is that the prosecutrix was below 16 years of age on 05/05/2014. she is resident of village Boda. There was a love affair between them. Applicant had committed sexual intercourse with her on pretext of marriage. She had became pregnant. Thereafter applicant performed second marriage with another woman.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the

applicant.

6. As per the photocopy of the report of non-cognizable offence, applicant had performed the marriage with prosecutrix.
7. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde